UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,003	08/22/2003	Masami Murata	90448	1110

24628 7590 09/08/2005

WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER	
TANG, SON M	

ART UNIT	PAPER NUMBER
2632	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/647,003	MURATA, MASAMI	
	Examiner	Art Unit	
	Son M. Tang	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **2 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Lekholm et al. [US 4,869,251; Lekholm].

Regarding to claim 2: Lekholm discloses a movement detection sensor comprising:

-a spherical void formed by a partition wall 52 made of a non-magnetic material (col. 6, lines 55-60);

-a spherical/polyhedron magnetized rolling member 4 or 54 sealed in an interior of the void, and a magnetized rolling member 54 sealed in an interior of the void and a magnetic sensor provided in the partition wall [see Fig. 1 and 16, and col. 6, lines 41-60];

Regarding claim 4: Lekholm a movement detection sensor comprising:

-a void formed by a partition wall 52 made of a non-magnetic material and made of a non-magnetic material (cited in col. 10, lines 60,

-a magnetized rolling member 54 sealed in an interior of the void and a magnetic sensor provided in the partition wall [see Fig. 1 and 16, and col. 6, lines 41-60], and a visco-elastic body, which is filled into the void (see col. 3,lines 7-15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims **3 and 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lekholm et al.

Regarding to claims 3 and 5: Lekholm further discloses a differentiating circuit (met by transducer 5) and an amplifying circuit (6) [see Fig. 1 and 3], and an antenna at pulse generator (13) which may be used for telemetry communicate between the sensor and an external programming means [see col. 4, lines 61-66], Lekholm does not specifically disclose that telemetry communication is a radio transmitter. Since, radio transmitter is well known in communication art, Examiner taken Official Notice that radio transmits a detection signal is known in the art, whereby such known radio transmission would have been an obvious choice for implement the telemetry communication in Lekholm.

Regarding claims 6-7: Lekholm discloses all the limitations as described above, except for specifically disclose that a microcomputer that stores and judges a detection signal amplified in the amplifying circuit of the movement detection device, however, Lekholm has disclosed a microcomputer that can be programmable, so that the control signal can drive the pulse generator 13 [see Fig. 1 and 3, col. 4, lines 46-66]. Therefore, it would have been obvious of one having ordinary skill in the art to recognize that in order for the microcomputer to be able to process the detected signal, the amplified detected signal must stores in microcomputer first, then microcomputer judges and outputs control signal that corresponding to the amplified detected signal.

6. Claims **8-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lekholm in view of Basson [US 5,001,460].

Regarding to claims 8-11: Lekholm discloses sensor device which can be telemetry programmable which obviously includes a receiver for receiving program information, Lekholm does not specifically disclose a radio wave receiver attached to the movement detection device, wherein the movement detection device begins operations when a field intensity of the received radio waves falls below a predetermined value, Basson teaches a monitor device comprises a detection device (mechanism 6) which automatically activates when field intensity of the receiver 102 is falls below a predetermined value [as shown in Fig. 1-4, 10 and col. 3, lines 19-27, col. 5, lines 43-54]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to implement an automatic activate device as taught by Basson

with the movement detection device of Lekholm, so the device can be activated without any physical/manual switch, providing automatic activation convenience.

7. Claims **12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lekholm et al. in view of Wilk [US 6,046,678].

Regarding to claims 12-15: Lekholm discloses all the limitations as described above, except for not to specifically disclose a temperature sensor that detects temperature of a detection subject; and an attachment tool that attaches the movement detection device and the temperature sensor to the detection subject. It is known in the art that temperature sensor and motion sensor can be used as a combination detector device, as Wilk teaches a protective monitoring device comprises a temperature sensor 60 for monitoring the temperature of subject 12, in combination with a movement detection device 20 [as shown in Fig. 1-2, col. 5, lines 35-49 and col. 6, lines 55-60], and an attachment tool for attaching the devices is inherently included in the system. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to combine a temperature sensor with the movement detection device of Lekholm as taught by Wilk, for an additional temperature monitor feature in the monitoring system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang

BENJAMIN C. LEE
PRIMARY EXAMINER